

## **REMARKS**

### **I. INTRODUCTION**

This is in response to the Final Office Action dated October 27, 2008, and is being submitted concurrently with a Request for Continued Examination pursuant to 37 C.F.R. § 1.114.

The Office Action rejected claims 1-38 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicants have amended 1, 5, 17, 20, 33, and 38 in view of the Examiner's rejections. Additionally, Applicants address the Examiner's rejections below.

The Office Action rejected claim 38 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicants have amended claim 38 in view of this rejection.

The Office Action rejected claims 1-16 and 20-38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,282,454 to Papadopoulos et al. (hereinafter Papadopoulos) in view of U.S. Patent No. 5,974, 470 to Hammond (hereinafter "Hammond") and in further view of U.S. Patent No. 6,173,438 to Kodosky et al. (hereinafter Kodosky"). The Office Action rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Papadopoulos and Kodosky in further view of U.S. Patent No. 6,121,924 to Meek et al. (hereinafter "Meek"). The Office Action rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Papadopoulos, Meek, and Kodosky in further view of U.S. Patent No. 6,539,422 to Hunt et al. (hereinafter "Hunt"). The Office Action rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Papadopoulos, Meek, Kodosky, and Hammond.

The Examiner acknowledged that the independent claims would be allowable if amended to incorporate the features of claims 6, 10, 13, 17 (lines 4-6 and 12-13), and any intervening claim.

In response, Applicants have amended claims 1, 17, 20, 33, and 38 to incorporate the features of claims 6, 10, 13, and 17 (lines 4-6 and 12-13). Claims 6, 10, and 13 have been cancelled without prejudice of disclaimer of the subject matter recited therein.

Claims 1-5, 7-9, 11-12, and 14-38 remain for consideration. No new matter has been added.

## **II. EXAMINER INTERVIEW**

Applicants appreciatively acknowledge the courtesies extended by the Examiner to Applicants attorney, Kevin J. Beach, USPTO Reg. No. 60,422, during the April 14, 2009 telephone interview. During the interview, the claim objections at page 21, item 62 of the October 27, 2008 Office Action were discussed. The Examiner clarified that the combined features of claims 6, 10, 13, and 17 (lines 4-6 and 12-13) would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## **III. REJECTIONS UNDER 35 U.S.C. § 112**

The Office Action rejects claims 1-38 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

In particular, the Examiner has rejected claim 1, 20, and 38 on the basis that “it is not clearly understood if the request is used to request an extension to be loaded or is used to request the execution of the application.” Office Action, item 3, page 2. Applicants have amended claim 1 to clarify that the request is sent from “the ODK subsystem to an application for requesting an extension to be loaded by the application,” as recited by claim 1. Claims 20 and 38 have been similarly amended.

The Examiner has also rejected claims 1, 17, 20, 33, and 38 on the basis that “it is not clearly understood how the first mode and second mode are adapted to generate Dynamic Link Library projects.” Office Action, item 4, pp. 2-3. Applicants have amended claim 1 to clarify that the Application Wizard provides a first a second mode, and when operating in the first

mode, “the Application Wizard generates a Real Time Dynamic Link Library project that is usable in a deterministic environment with fixed scan cycles,” and when operating in the second mode, “the Application Wizard generates a Dynamic Link Library project that is usable in a non-deterministic environment with non-fixed scan cycles.” Claims 17, 20, 33, and 38 have been similarly amended.

Claims 1 and 33 have been rejected on the basis that “it is not clearly understood who is converting the specific formatted load application request message.” Office Action, item 5, page 3. Claim 1 has been amended to recite “converting at the ODK subsystem,” thereby clarifying that the conversion is performed by the ODK subsystem. With respect to claim 33, Applicants note that the claim recites “[a] computer-readable medium encoded with a computer program, the computer program comprising a kit for open development, the kit for open development comprising: . . . a means for converting the specific formatted message to a generic formatted message.” Applicants submit that claim 33 clearly recites that kit for open development includes the means for converting the specific formatted message, and therefore, it is clear that the conversion occurs at the kit for open development.

The Examiner has rejected claim 5 on the basis that “it is not clearly understood how the helper class is adapted to access Step 7 type data from a buffer.” Office Action, item 6, page 3. Applicants have amended claim 5 to clarify that the “helper class [is] adapted to access data formats of Step 7 type data.” As discussed in the Specification at paragraph 31 “Step 7 is another program which is used to write the control program for the PLC and has specific formats for data.” Thus, amended claim 5 clearly recites that the helper class is used to access data encoded in the specific formats used by Step 7.

Claim 17 has been rejected on the basis that “it is not clearly understood how the one or more extensions are adapted for us in a real-time operating environment.” Office Action, item 7, page 3. Claim 17 has been amended to recite “one or more extensions adapted to provide real-time services in a real-time operating environment.” One of ordinary skill in the art would understand that services in a real-time environment have different requirements than non-real-

time environments. *See e.g.* Specification, ¶ 42. Thus, the one or more extensions of claim 17 are adapted to provide those real-time services.

Claim 33 is rejected on the basis that “it is not clearly understood who is sending the generic formatted message to an application.” Office Action, item 8, page 4. Claim 33, recites “[a] computer-readable medium encoded with a computer program, the computer program comprising a kit for open development, the kit for open development comprising: . . . a means for sending the generic formatted message to an application for execution.” Applicants submit that claim 33 clearly recites that kit for open development includes the means for sending the generic formatted message, and therefore, it is clear that the kit for open development sends the generic formatted message to an application.

#### **IV. REJECTIONS UNDER 35 U.S.C. § 101**

Claim 38 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner contends that the recitation of “computer usable medium” includes “transmission media or other intangible non-functional media.” *See* Office Action, item 11, page 4.

In order to expedite prosecution, Applicants have amended claim 38 to recite “computer storage medium,” as suggested by the Examiner. Thus, Applicants submit withdrawal of this rejection is appropriate.

#### **V. REJECTIONS UNDER 35 U.S.C. § 103(A)**

Independent claims 1, 20, 33, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Papadopoulos, Hammond, and Kodosky. Independent claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Papadopoulos and Kodosky in further view of Meek.

The Examiner has acknowledged that if the amending the independent claims to incorporate the features of claims 6, 10, 13, and 17 (lines 4-6 and 12-13) would place the independent claims in condition for allowance. That is, the independent claims amended recited

the features of 6, 10, 13, and 17 (lines 4-6 and 12-13) would not be obvious over the cited references. In order to expedite prosecution, Applicants have amended claims 1, 17, 20, 33, and 38 to recite the features identified by the Examiner. Applicants therefore submit that independent claims 1, 17, 20, 33, and 38 are in condition for allowance.

The Examiner has also rejected claims 2-16, 18-19, 21-32, and 34-37 under 35 U.S.C. § 103(a) as unpatentable over various combinations of Papadopoulos, Hammond, Kodosky, Meek, and Hunt.

Applicants have cancelled claims 6, 10, and 13, thereby rendering this rejection moot with respect to these claims.

Claims 2-5, 7-9, 11-12, 14-16, 18-19, 21-32, and 34-37 all depend from an allowable independent claim, and are therefore allowable at least by virtue of their dependency. Thus, claims 2-5, 7-9, 11-12, 14-16, 18-19, 21-32, and 34-37 are allowable.

Applicants respectfully request reconsideration and withdrawal of this rejection.

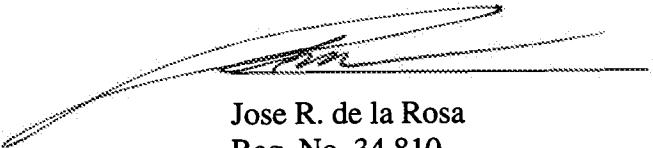
## **VI. NO NEW MATTER**

The amendments to claims 1, 17, 20, 33, and 38 do not add new matter. These amendments merely incorporate features of previously presented claims and are fully supported throughout the specification.

## **VII. CONCLUSION**

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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